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The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte SALLY ELAINE SAFFER, MARIO J. BROODBAKKER, RAYMOND J. LALIBERTE, and JOHN F. REED JR.

Appeal 2009-005032
Application 10/068,466
Technology Center 2100

Before JOSEPH L. DIXON, LANCE LEONARD BARRY, and JAY P. LUCAS, *Administrative Patent Judges*.

BARRY, *Administrative Patent Judge*.

DECISION ON APPEAL [1]

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[1] The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, or for filing a request for rehearing, as recited in 37 C.F.R. § 41.52, begins to run from the "MAIL DATE" (paper delivery mode) or the "NOTIFICATION DATE" (electronic delivery mode) shown on the PTOL-90A cover letter attached to this decision.

STATEMENT OF THE CASE

The Patent Examiner rejected claims 1-4, 8-22, 29-35, 39-53, 60-63, 65-67, and 69-73. The Appellants appeal therefrom under 35 U.S.C. § 134(a). We have jurisdiction under 35 U.S.C. § 6(b).

INVENTION

The Appellants describe the invention at issue on appeal as follows.

> An operational data store consists of an insert table for storing new data and a history table, partitioned by range and further sub-partitioned, for storing historical data. Transfer logic periodically transfers new data from the insert table to the history table. The transfer logic includes a secondary table and fill logic for filling the secondary table with selected data from the insert table. Secondary transfer logic transfers the secondary table into the history table, such that the selected data is transferred into the history table. Indexing logic applies the history table indexing scheme to the secondary table. Table logic creates a new partition the history table, for swapping with the secondary table, by exchanging respective pointers. A query engine may apply a database query to both the history table and the insert table, so that all data is available. An aggregator accumulates new data into an aggregation buffer. The accumulated data are batched and transferred into the insert table with a single database access. A throttler throttles transactions of different classes and types independently to achieve a desired level of service.

(Spec. 30.)

ILLUSTRATIVE CLAIM

Claim 1. An operational data store, comprising:

an insert table for storing new data;

a history table for storing historical data; and

> transfer logic for periodically transferring new data from the insert table to the history table.

REJECTIONS

Claims 1-4, 8-13, 29-35, 39-44, 62, 63, 66, and 67 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kawai (U.S. Pat. No. 5,717,924) and Goldring (U.S. Pat. No. 5,553,279).

Claims 14-22 and 45-53 stand rejected under § 103(a) as being unpatentable over Kawai, Goldring, and Kessler (U.S. Pat. No. 5,761,706).

Claims 60-61, 65, and 69 stand rejected under § 103(a) as being unpatentable over Kawai and Vandivier (U.S. Pat. No. 5,978,771).

Claims 70-73 stand rejected under § 103(a) as being unpatentable over Battas (U.S. Pat. No. 6,757,689) and Goldring.

CLAIMS 1-4, 8-22, 29-35, 39-53, 62, 63, 66, AND 67

Based on the Appellants' arguments, we will decide the appeal of claims 1-4, 8-22, 29-35, 39-53, 62, 63, 66, and 67 based on claim 1 alone.

ISSUE

The issue before us is whether the Examiner erred in finding that Goldring teaches transferring data from one table to another.

FINDINGS OF FACT

Goldring discloses the following invention

> A computer processing system that receives sequences of changes to a data base and records them into an activity log for later retrieval also maintains a consistent change data table that

> contains sufficient change information for each of the changes to the data base such that the changes can be propagated through multiple copies of the data base by consulting the consistent change data table.

(Abstract, ll. 1-7.)

ANALYSIS

"It is not the function of [the U.S. Court of Appeals for the Federal Circuit] to examine the claims in greater detail than argued by an appellant, looking for nonobvious distinctions over the prior art." *In re Baxter Travenol Labs.*, 952 F.2d 388, 391 (Fed. Cir. 1991). "Similarly, it is not the function of this Board to examine claims in greater detail than argued by an appellant, looking for distinctions over the prior art." *Ex Parte Shen*, No. 2008-0418, 2008 WL 4105791 at * 9 (BPAI 2008).

Here, the Examiner finds that "Goldring on col. 6, lines 27-41 teach transferring the information from two system tables." (Ans. 22.) The cited part of the reference supports the Examiner's finding by teaching that "[t]o read the activity log, the system 10 includes a Log Read Processor 40 that reads the entries in the activity log 32 and transfers the information from the log to two system tables, a Change_Data table 42 and a Unit_of_Work (UOW) table 44." (Col. 6, ll. 27-31.)

For their part, the Appellants do not address the Examiner's reliance on col. 6, lines 27-41, of Goldring. Instead, they quote "[c]ol. 2, line 66 - col. 3, line 11" (App. Br. 11) of the reference for the proposition that "data are not *transferred* from the source data tables to the activity log, or from the activity log to the consistent change data table, but only *copied*." (*Id.*) Their argument about a different part of Goldring, however, does not persuade us

of error in the Examiner's findings. Therefore, we *conclude* that the Examiner did not err in finding that Goldring teaches transferring data from one table to another.

CLAIMS 60-61, 65, AND 69

The Examiner admits that "Kawai does not teach creating a new partition in a composite-partitioned history table." (Ans. 17.)

ISSUE

The issue before us is whether the Examiner erred in finding that Vandivier teaches creating a new partition in a composite-partitioned history table.

FINDINGS OF FACT

"The field of [Vandivier's] invention is the mining industry, particularly the bulk transfer, processing, blending, and storage of natural resources." (Col. 1, ll. 11-13.) The reference's "invention relates to the tracking of the entire [natural] resource allocation chain." (Col. 3, ll. 39-40.)

ANALYSIS

"Claims must be read in view of the specification, of which they are a part." *Markman v. Westview Instruments, Inc.,* 52 F.3d 967, 979 (Fed. Cir. 1995) (en banc) (citations omitted).

Here, independent claims 60 and 65 recite in pertinent part the following limitation: "creating a new partition in a composite-partitioned history table." Independent claim 69 recites an almost identical limitation.

We agree with the Appellants that "[s]upport for this [limitation] . . . is provided, for example, at page 15, lines 18-19 of the present application, which states that in step 206 of FIG. 6, 'a new partition is created in the historical table, partitioned by range and sub-partitioned by the number of database server instances.'" (App. Br. 15-16.) We also agree with them that "generally, the act of 'partitioning' involves decomposing a database table into smaller pieces called 'partitions.'" (*Id.* at 16.)

For his part, the Examiner finds that "Vandivier, III teaches method for tracking natural resources on a resource allocation system (see abstract), in which he teaches creating a new partition in a composite-partitioned history table (see column 11, lines 20-27 and column 12, lines 19-23)." (Ans. 17.) A part of the reference cited by the Examiner teaches "how a partition table is updated 601." (Col. 11, l. 21.)

We agree with the Appellants, however, that "the 'partition tables' described by Vandivier are called 'partition tables' not because the tables themselves are partitioned, but rather because the tables contain information about resources (particularly natural resources used in the mining industry) that may be subdivided or 'partitioned.'" (App. Br. 16.) Therefore, we *conclude* that the Examiner erred in finding that Vandivier teaches creating a new partition in a composite-partitioned history table.

CLAIMS 70-73

The Examiner admits that "Battas et al. does not teach a throttler for throttling selected transactions to the ODS," (Ans. 20), i.e., operational data store.

ISSUE

The issue before us is whether the Examiner erred in finding that Goldring teaches throttling selected transactions to an ODS.

ANALYSIS

The question of obviousness is "based on underlying factual determinations including . . . what th[e] prior art teaches explicitly and inherently." *In re Zurko*, 258 F.3d 1379, 1383 (Fed. Cir. 2001) (citations omitted).

The Examiner makes the following findings.

> Goldring teaches "As a result, the rows in the Consistent_ Change_Data table will provide a listing of the update transactions in the order in which they were committed, sequence information used to order conflicting updates within a single transaction, and operational information used to specify whether a change was an insert, update, or delete operation", (see Goldring, column 7, lines 10-15). Throttler is use to slowdown the process and let the first on the hierarchy to by first and Goldring teaches list the update order in which they were committed.

(Ans. 23.)

We agree with the Appellants, however, that this part of "Goldring merely describes recording information about transactions that have been performed. Goldring does not describe slowing the processing of certain transactions, or performing any other kind of throttling." (App. Br. 19.) Therefore, we *conclude* that the Examiner erred in finding that Goldring teaches throttling selected transactions to an ODS.

DECISION

We affirm the rejections of claims 1-4, 8-22, 29-35, 39-53, 62, 63, 66, and 67 but reverse the rejections of claims 60, 61, and 69-73.

No time for taking any action connected with this appeal may be extended under 37 C.F.R. § 1.136(a)(1). *See* 37 C.F.R. § 1.136(a)(1)(v).

AFFIRMED-IN-PART

msc

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